



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

WANG, Xuemin et al.

Serial No. : 09/817,869

Filed: March 26, 2001

DROUGHT TOLERANT PLANTS AND
METHODS OF INCREASING DROUGHT
TOLERANCE IN PLANTS

Docket No. 30509

Group Art Unit 1632

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

**PETITION TO CORRECT THE ALLEGED OMISSION OF ITEMS AND EVIDENCE
OF THE INCLUSION OF THE ALLEGEDLY OMITTED ITEMS IN THE APPLICA-
TION AS FILED**

1. The above-referenced application was filed with the U.S. Patent Office on March 26, 2001 and assigned Application Number 09/817,869.
2. The Filing Receipt was mailed on June 12, 2002 and contained a notice that the required sequence listing in computer readable format and figures 2-5 (hereinafter the "items") were not included with the application as filed. A copy of the filing receipt is included herewith as Exhibit A and a copy of the Notice To Comply is included herewith as Exhibit B.

09/13/2002 AKELLEY 00000018 190522 09817869

01 FC:122

130.00 CH

RECEIVED

AUG 23 2002

OFFICE OF PETITIONS

3. Applicants assert that the items were, in fact, included with the application as filed and requests that the items be officially noted as being included with the originally filed application.
4. As evidence of the inclusion of all of the items with the application as originally filed, applicants provide a copy of the return postcard (Exhibit C), a copy of the transmittal (Exhibit D), and a copy of the Certificate of Mailing (Exhibit E) which were included with the application as filed.
5. Each of Exhibits C, D, and E specifically notes that 24 formal drawing sheets and two copies of the sequence listing in computer readable format (CRF) were included with the application as originally filed.
6. The application contained 14 different drawings labeled as Figs. 1A, 1B, 1C, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. However, Figs. 1A, 1B, 1C, 6, and 12 were photographs and therefore, there were 3 copies of each of these figures for a total of 24 drawing sheets. This is the same number recorded on each of Exhibits C, D, and E.
7. Furthermore, the Express Mail Log for March 26, 2001 (included herewith as Exhibit F) notes that this application was mailed via Express Mail on March 26, 2001.

8. For the convenience of the Patent Office, applicants have included copies of the items for incorporation into the official patent office file for Application Number 09/817,869.

9. Accordingly, the evidence provided herein conclusively demonstrates that drawing figures 2-5 and the CRF of the sequence listing were included with the application as filed and applicants respectfully request that the record reflect this finding.

Respectfully submitted,

HOVEY WILLIAMS LLP

By


Tracey S. Truitt, Reg. No. 43,205
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
(816) 474-9050

RECEIVED
AUG 23 2002
OFFICE OF PETITIONS